IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1534 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HARSHADBHAI VASANTLAL SHAH

Versus

JJ SHAH OR HIS SUCCESSOR IN OFFICE

Appearance:

MR BM MANGUKIYA for Petitioner

MR. D.N. PATEL, AGP, for Respondent No. 1

MR SHIRISH JOSHI for Respondent No. 2, 3

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 17/02/2000

ORAL JUDGEMENT

This petition has been filed seeking a direction on the respondent No. 1 the District Registrar, Co-operative Societies, Panchmahals to initiate enquiry under Section 76B and Section 93 of the Gujarat Co-operative Societies Act, 1961. According to the

petitioner in the discharge of their duties the respondent Nos. 2 and 3, as the office bearers of the bank, have misconducted themselves. It is submitted that there was a report made against them and despite the petitioner's approaching the respondent No. 1 the matter is not being enquired into. The learned A.G.P. points out a letter dated 3.4.1999 addressed to the bank which shows that the matter is receiving attention of the office of the District Registrar. There is reference to inspection memo and some clarifications which were given by the bank. More clarifications are sought by this letter. So far, the matter being at the stage of enquiry, an occasion to proceed straightway under Section 76B and Section 93 of the Act has not arisen. Under Section 86 the Registrar is empowered to enquire into the working and financial conditions of a society. In the process, as held by this court in case of Chimanbhai Vs. Chaturbhai reported in 12 G.L.R. 31, since enquiry under Section 86 may involve serious consequences the Registrar will have to give an opportunity to the bank to have its say, because, the ultimate order may affect the rights and liabilities of the bank. The learned A.G.P. appearing for the respondent No. 1 says that the respondent is looking into the matter and shall take appropriate decision expeditiously in accordance with law. In this view of the matter, no directions are required to be given to the respondent No. 1 at this stage. The petition is therefore rejected. Rule is discharged with no order as to costs.

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